



July 22, 2016

Office of the Commissioner of Railroads
610 N. Whitney Way
P.O. Box 7854
Madison, WI 53707-7854

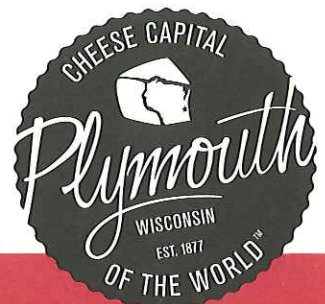
Re: Petition of the Wisconsin Department of Transportation for a Determination of the Adequacy of Warning Devices at the Public Crossing of the Wisconsin & Southern Railroad Co. Tracks with Milwaukee Street in the City of Plymouth, Sheboygan County and On the Commissioner's Own Motion for the Investigation of the Closure of the Public Crossing of the Wisconsin & Southern Railroad Co. Tracks with Milwaukee Street in the City of Plymouth, Sheboygan County

To The Office of the Commissioner of Railroad:

On Friday July 15th, 2016 the City of Plymouth received by e-mail a copy of the proposed final decision for the above named petition and crossing. The purpose of this correspondence is to file the City of Plymouth comments regarding the proposed final decision and seek some minor modifications to the timeline proposed in the decision.

It is our understanding that the proposed final decision released on July 15th, 2016 is proposed and not the final decision. We anticipate that the final decision will be released on or after Saturday July 30th, 2016. The proposed final order indicates that "WSOR shall coordinate with the city of Plymouth, to develop a joint written plan for schedule for completing the work ordered herein by July 31, 2016." Based on the proposed final decision and the 15 day comment window, the City of Plymouth hereby emphasizes that it is not possible to meet the requirements of a written plan for schedule completion by the July 31, 2016 date until sometime after the final order is issued.

The order also indicates on page 17 of the order that "the order requires the city of Plymouth to construct and maintain a vehicle turnaround area on the southbound approach to the existing Milwaukee Street crossing." It further states that "a full cul de sac is warranted by the needs of school buses, snow plows, fire trucks, and other large vehicles to easily turn around. However, the OFFICE will allow the local unit of government to determine whether a non-cul de sac turnaround design will adequately serve local needs. Any vehicular turnaround shall be designed in a manner consistent with the AASHTO's Design Guide." The cul de sac design will require an extensive review of City vs. railroad right-of-way and may result in the need to use eminent domain to acquire additional street right-of-way. Due to the design considerations of the cul de sac and the potential need to acquire street right-of-way, the City feels it is unreasonable to require that the work be completed by November 30, 2016 and therefore requests that a completion date of July 31, 2017 be inserted into the final decision.

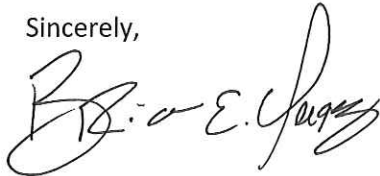


Furthermore, the order on page 16 states that "it does not appear that the parties were properly on notice of the possible closing of this 'pedestrian crossing'it is reasonable to allow the parties to propose a way forward in terms of the pedestrian crossing." We are requesting additional time to discuss the pedestrian crossing with effected parties and believe that the intent is for this to be incorporated into the "written plan for schedule completion." We are currently unclear as to what "propose a way forward in terms of the pedestrian crossing" means or what that process would look like. We also believe that we should seek input from Sartori Foods on the pedestrian crossing. For this additional reason, we are requesting that the completion date of the final street closure and proposed cul de sac construction be amended to July 31, 2017.

In regards to cost sharing, we believe that the final decision should include language that WSOR "shall bear 100 percent of the cost to acquire any street right-of-way" for purposes of building the cul de sac.

If you have any questions, please do not hesitate to contact me at (920) 893-1271, Ext. 311 or by e-mail at byerges@plymouthgov.com.

Sincerely,

A handwritten signature in black ink, appearing to read "B. E. Yerges", written in a cursive style.

Brian E. Yerges
City Administrator/Utilities Manager

C: Wisconsin & Southern Railroad, LLC by Brian D. Baird, Attorney – Borgelt, Powell, Peterson & Frauen, S.C., 735 N. Water Street, Milwaukee, WI 53202

Wisconsin Department of Transportation, Petitioner by Lisa Stern, PE – Grade Crossing Safety Engineer, P.O. Box 7914, Madison, WI 53707-7914

SARTORI.



July 20, 2016

Brian Yerges
City Administrator/Utilities Manager
City of Plymouth, WI
128 Smith Street
P.O. Box 107
Plymouth, WI 53073

Dear Brian,

Thank you for updating us on the proposed final decision by the Office of the Commissioner of Railroads regarding the proposed closing of the Milwaukee Street railroad crossing between our "West Main" cheese make facility and our "East Main" treating and converting facility, in the City of Plymouth.

In reviewing the proposed final decision, we would like the opportunity to provide some feedback from our perspective that may help in formulating the final decision.

Currently, our team members walk routinely between the two facilities, with as many as 50 trips per day made depending on business needs. In addition, we have a need for fork lifts to travel between the facilities. These needs will increase further as we are currently in the process of working with WEDC and the Wisconsin Historical Society on plans to renovate the East Main facility to both retain the historical significance of the building and expand our production capacities. We are excited to be working with these agencies to come up with a solution that advances both of these goals.

While we are not necessarily opposed to the planned closure, we feel there is additional time needed to work through many of the issues the closure will cause. We need to insure that we will still have the ability to have our team members easily and safely walk and operate fork lifts between the two facilities. We also feel it is important to understand how the closure will impact our renovation plans, in particular as it relates to the appearance of the changes, removal of old signs, poles, etc. and the relationship to our desire and need to comply with the historical status requirements. In addition we need to understand how the addition of any turn around areas or cull de sacs may impact these plans, or if they may possibly infringe our property. We are concerned about the impact on our semi access for the East Main facility as we hope to expand production in this facility, as well as neighborhood truck traffic due to any possible changes to our milk truck staging area at West Main.

We feel it is unreasonable to expect a written plan for schedule completion completed by July 31, 2016 as we are still working on the submission of our plans for the WEDC/Wisconsin Historical Society application, and do not know what feedback or changes they may have related to these plans. Further, we feel more time is needed to meet with the WSOR and the City of

Plymouth to consider the options for a safe walkway for our team members and fork lift traffic between our two production facilities.

Further, we feel the November 30, 2016 date for the completion of the work is unreasonable, as we have not seen any firm plans to address our needs for a safe pedestrian crossing for our team members, nor any knowledge of where any cull de sac's would be located. Considering the timeline to firm this up, acquire quotes, and complete construction, November 30, 2016 seems unrealistic.

Please include our comments in any communication you have with the Office of the Commissioner of Railroads, the Wisconsin & Southern Railroad, and the Wisconsin Department of Transportation. We will send a copy of this letter to them as well.

Thank you in advance for your consideration and your help on this, and your continued support of our company and our team members. Sartori is a family owned, good corporate citizen, based in Plymouth for over 77 years. Sartori, along with the City of Plymouth, and the State of Wisconsin continue to be great partners in advancing our business for the benefit of all involved.

If you have any questions, please feel free to contact me at 920-449-7911 or by email at mschwechel@sartoricompany.com.

Sincerely,



Mark Schwechel
Chief Financial Officer
Sartori Company

Cc: Wisconsin Department of Transportation by Lisa Stern, PE – Grade Crossing Safety Engineer

P.O. Box 791, Madison, WI 53707-7914

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